

No. 77-927

Supreme Court, U. S.

FILED

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MICHAEL RODAK, JR., CLERK

**In the
Supreme Court of the United States**

OCTOBER TERM, 1977

ELEANOR E. HARRIS, Administrator of the Estate of
LEONARD JAMES HARRIS, Dec., and ELEANOR
E. HARRIS, individually,

Plaintiff-Petitioner,

vs.

AMERICAN AIRLINES, INC., a New York Corporation,
Defendant,

and

FIREMAN'S FUND AMERICAN LIFE INSURANCE
COMPANY, a California Corporation,

Defendant-Respondent.

**BRIEF IN OPPOSITION TO PETITION FOR WRIT OF
CERTIORARI FOR DEFENDANT-RESPONDENT,
FIREMAN'S FUND AMERICAN LIFE INSURANCE
COMPANY, A CALIFORNIA CORPORATION**

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ARGUMENT

This case involves a passenger, age 57, on an American Airlines flight from Chicago to Mexico who sustained a heart attack during the flight and subsequently died.

The suit against the accident insurer, Fireman's Fund, involved the question of whether a policy covering "accidental bodily injury . . . received during . . . an airline trip" applied to the passenger's death. Because of the violation of policy conditions, the United States District Court for the Northern District of Illinois entered summary judgment for the insurer. The Court of Appeals affirmed.

The case does not involve any conflict with any decision of this Court, any United States Court of Appeals, United States District Court, or any other court. At the most, the case involves a holding by a United States Court of Appeals that a District Court judge did not abuse his discretion in certain discretionary rulings.

CONCLUSION

It is therefore respectfully submitted that the Petition for Writ of Certiorari should be denied.

Respectfully submitted,

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